

REMARKS

The Office Action dated August 29, 2006 has been fully considered by the Applicant. By way of the present amendment, independent Claims 6 and 9 have each been amended to clearly convey the invention.

Per the Examiner's request, attached are the formal drawings. No new matter has been added.

The rejection of independent Claim 6, as now amended, under 35 U.S.C. §102 as anticipated by Worthington (U.S. Patent No. 6,068,481) is respectfully traversed. Worthington provides a provisional crown on a prepared natural tooth. In contrast, the present invention is directed to a denture tooth on a removable prosthesis for restoration of edentulous or partially edentulous dental arches.

Worthington is intended for application in crown and bridge dentistry. In contrast, the present invention is directed to a removable prosthodontic procedures.

Worthington is cemented onto a prepared natural tooth, while the present invention is processed into a removable denture prosthesis.

Worthington provides a shelf or a temporary crown with a window or openings to insert resin filler. In contrast, the present invention is directed to a permanent denture tooth with a top receptacle.

As now amended, independent Claims 6 and 9 clearly convey that the present invention is a denture tooth housing inserted into a removable dental prosthesis, in contrast to the Worthington invention.

Contrary to the Examiner's assertion, the term "receptacle" in the claims should be interpreted in view of the entire specification, including the drawings, which show the receptacle having a bottom and sides to contain the resin. In contrast, Worthington teaches away from a receptacle in that resin is permitted and encouraged to move outside of the crown through side openings 324 in the embodiment in

Figures 17 through 19, through side openings 434 in the embodiment shown in Figures 21 through 24, and through side openings 132 in the embodiment shown in Figures 9 through 12. In summary, the “receptacle” in Worthington does not even meet the definition proffered by the Examiner - “something that holds or contains.”

The rejection of Claim 9, as now amended, under 35 U.S.C. §103 as unpatentable over Worthington in view of Opotow (U.S. Patent No. 2,309,270) is respectfully traversed.

As set forth above, the Worthington reference is clearly distinguishable from the present invention. Additionally, Claim 9 provides an additional limitation of a central bearing device for vertical spacing used within the mouth. Opotow is a bearing device which is not receivable within the mouth. Accordingly, the combination of Worthington and Opotow taken together do not meet the limitations of the present claim.

Finally, it is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F2d 1572, 221 USPQ 929 (CAFC 1984).

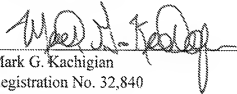
Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of patents to achieve the claims of the present invention is untenable.

It is believed that the foregoing is fully responsive to the outstanding Office Action. It is submitted that the application is now in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark G. Kachigian', is written over a horizontal line.

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